

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision: March 18, 2021

1. **CRM-M-2834-2020 (O&M)**

Resham Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-9814-2020 (O&M)**

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Sharma-I, Advocate,
for the petitioners in both the cases.

Mr. Harjasdeep Singh DAG, Punjab.

Mr. Deepak Gupta, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.118 dated 22.06.2019, under Sections 307, 506, 323, 34 IPC, 1860 and 27/30/54/59 Arms Act, 1959 (added later on) and Sections 25/54/59 Arms Act (deleted subsequently), registered at Police Station, Nathana, District Bathinda. Petitioner Resham Singh is in custody since his arrest on 26.07.2019, whereas petitioner Balwinder Singh is in custody since 29.07.2019.

The FIR was lodged at the instance of Jaswinder Singh, wherein it has been alleged that on 21.06.2019, when he along with Satpal

Singh and Sukhminder Singh were going to their fields on their motorcycle and when they stopped on the way due to blockage on the path, then they saw that Resham Singh's tractor trolley had been parked near his fields. It is alleged that Surjit Singh fired from the trolley attached with the tractor hitting the right side of stomach of Satpal Singh. Thereafter Balwinder Singh with the same revolver fired at the complainant, hitting on his right wrist. It is alleged that when the complainant fell down, then Resham Singh threw a brick hitting the complainant on his stomach. It is further alleged that Vicky Singh was also standing in a trolley holding a 'kirpan' in his hand. When complainant raised alarm, Gurtirath Singh came there and Balwinder fired again hitting his stomach.

Learned counsel for the petitioners has argued that in the alleged occurrence, three persons, namely, Gurtirath Singh, Satpal Singh and Jaswinder Singh were injured, but the two injured witnesses, namely, Gurtirath Singh and Satpal Singh in their statements before the trial court have not supported the prosecution case, who were declared hostile. According to him, the third injured Jaswinder Singh was examined before the trial court on 10.02.2020 and after recording his examination-in-chief, an application under Section 319 Cr.P.C. on behalf of prosecution was filed. He has invited the attention of the court to the testimony of Jaswinder Singh to contend that as per his version, the petitioners are not the persons, who fired the gun shot and as the cross-examination of the said witness has not been concluded, therefore, the trial is likely to consume considerable time. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Surinder Pal Singh, as well as the learned counsel

for the complainant on the ground that the offence is serious. According to them, the weapon used in the crime belongs to petitioner Resham Singh. They have stated that petitioner Balwinder Singh caused the gun shot injury to the injured persons and, therefore, they do not deserve the concession of bail.

At this stage, learned counsel for the petitioners has pointed out that the injured persons have not supported the prosecution case, therefore, further custody of the petitioners may not be necessary as no gun shot injury was received by the witness Jaswinder Singh, whose cross-examination is yet to be concluded.

Considering the above background and the custody of the petitioners, this Court finds that since the material witnesses have been examined, therefore, the further custody of the petitioners may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest on 26.07.2019 and 29.07.2019, respectively.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

March 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No